

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN C. SHARP,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO.: 00-2156
)	
SUPERINTENDENT PHILIP L.)	Magistrate Judge Amy Reynolds Hay
JOHNSON, ET AL.)	
Defendants.)	
)	

PLAINTIFF'S MOTION FOR POSTONEMENT

AND Now comes the Plaintiff, Shawn C. Sharp, by and through his attorney, Raymond N. Sanchas, Esquire and hereby files this Motion for Postponement:

1. Trial is scheduled in the within action to begin on January 8, 2007.
2. Counsel for Plaintiff had requested the week of January 8, 2007 off from his employment duties at the Juvenile Court Project and was advised by the Adoption Department of the Court of Common Pleas of Allegheny County, Pennsylvania that he would not have any cases scheduled for trial on that week.
3. Due in part to an apparent oversight, and in part to the assignment of two new judges to hear termination of parental rights cases, the Court of Common Pleas scheduled a number of cases of Plaintiff's counsel for the week of January 8, 2007. This has necessitated the Allegheny County Bar Foundation Juvenile Court Project to schedule Plaintiff's counsel for court on January 8, 10 and 12. Plaintiff's counsel learned of this on December 14, 2006. There is no available counsel in the Allegheny County Bar Foundation Juvenile Court Project to replace Plaintiff's counsel in court on the week of January 8, 2007.
4. Plaintiff's counsel has also been hampered in his final trial preparation by an exceptionally busy December trial schedule. December is usually a slow period in his practice

but Plaintiff's counsel has been in court most of the days of the month with the need to use evenings and weekends for preparation of those cases and this case. Plaintiff's counsel's request to the Pro Bono Project for a law student to assist him in trying to complete trial preparation while working over 40 hours a week in his employment has been unsuccessful as the available students are involved in examinations.

5. On December 13, 2006, Plaintiff's counsel received a certified letter from Plaintiff designated a "Letter Rogatory" directing that he take certain actions or withdraw his appearance as counsel for Plaintiff. Plaintiff's counsel cannot do the actions requested in the time allowed and cannot withdraw his appearance without leave of court. A continuance will allow time to either resolve the dispute between plaintiff and his counsel, or will allow Plaintiff's counsel to seek leave to withdraw with sufficient time available for any new counsel.

6. Counsel for the defendants consents to this request for a postponement.

WHEREFORE, Plaintiff, Shawn C. Sharp, respectfully requests that this Honorable Court grant a postponement of the trial scheduled for January 8, 2007.

Respectfully submitted:

December 15, 2006
Date

/s/Raymond N. Sanchas
Raymond N. Sanchas, Esquire
Counsel for Plaintiff
PA ID#33295

11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 391-4467

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Motion to Amend Pretrial Statement was served on the 15th day of December, 2006, on counsel of record for Defendants electronically:

Scott A. Bradley, Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General – Litigation Section
Fifth Floor, Manor Complex
Pittsburgh, PA 15219

Date: December 15, 2006

/s/Raymond N. Sanchas
Raymond N. Sanchas, Esquire
Attorney for Plaintiff

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ORDER

AND NOW, this ____ day of _____, 2006, upon consideration of the Motion for Postponement heretofore filed on behalf of the Plaintiff, **IT IS HEREBY ORDERED** that said Motion is **GRANTED**. A new trial date shall be selected at the presently scheduled pretrial conference in this matter on January 3, 2007 at 10:30 a.m..

BY THE COURT:

AMY RUDOLPH HAY
United States Magistrate Judge

cc: Scott A. Bradley, SDAG
Raymond N. Sanchas, Esquire